

AMENDMENTS TO THE DRAWINGS

FIGS. 3 and 4 have been amended.

Attachment: 2 Replacement Sheets

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, Applicant has added new claims 11-17. Therefore, upon entry of this Amendment, claims 1-17 are all the claims pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claims 1, 5, 6, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte et al. (U.S. Patent No. 7,068,391, hereafter “Dewitte”) in view of Patton et al. (U.S. Patent No. 6,304,345, hereafter “Patton”). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Yamada (JP 04-284579). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Tojo et al. (U.S. Patent Application Publication No. 2003/0016942, hereafter “Tojo”). Claims 4 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Murakami (U.S. Patent Application No. 2004/0001208). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Dewitte in view of Patton and further in view of Metois et al. (U.S. Patent Application No. 2003/0197878, hereafter “Metois”). Claims 9 and 10 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Applicant respectfully traverses these rejections.

II. Preliminary Matters

A. Foreign Priority

Applicant thanks the Examiner for acknowledging Applicant's claim for Foreign Priority, and confirming receipt of a certified copy of the priority document in the United States Patent and Trademark Office.

B. Information Disclosure Statement

Applicant thanks the Examiner for initialing and returning copies of the PTO/SB/08 forms submitted with the Information Disclosure Statements filed on August 5, 2003 and December 23, 2005.

III. Objections to the Specification

By this Amendment, Applicant has amended the specification in order to improve clarity. Accordingly, the Examiner is requested to remove the objections to the specification.

IV. Objections to the Drawings

The Examiner has objected to the Drawings because different reference characters are allegedly used to designate the same parts of the invention. Applicant has amended the Drawings in order to comport to U.S.P.T.O guidelines and to improve clarity.

V. Rejection under 35 U.S.C. § 101

The Examiner has rejected claims 9 and 10 as allegedly directed to non-statutory subject matter. By this Amendment, Applicant has amended the claims in order to comport to U.S.P.T.O guidelines.

VI. Prior Art Rejections

Disclosure of Dewitte

Dewitte generally relates to a method for reproducing an image on a proofing device, or more particularly, for proofing artwork on a digital proofer 110 in order to accurately reproduce color which substantially matches the screening properties of an imaging process that includes screening. The proofer may use a different number of colorants or different colorants than the printing colorants of the imaging process, and may be capable of continuous tone output or may be a screened output device.

Disclosure of Patton

Patton generally relates to the encoding of informational data onto a hardcopy print, so that when the hardcopy print is digitally scanned by a scanner for reprinting or displaying of the image on the hardcopy print, the encoded data can be used to restore the image to its original condition as captured (column 1, lines 4-10). The informational data contains a calorimetric value of at least one specific area of the image.

Analysis

The Examiner alleges that Dewitte discloses all of the features of independent claim 1 and analogous independent claims 5, 9, and 10 except for the feature:

an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data; and

an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image.

The Examiner thus relies on Patton to cure this conceded deficiency. Applicant respectfully submits that claims 1, 5, 9, and 10 would not have been rendered obvious in view of the cited references.

First, Applicant respectfully submits that there is no teaching or suggestion in Dewitte of “a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other”, as recited in independent claim 1 and analogous independent claim 5.

In instances when it is difficult to represent an original color by superpositioning process inks (cyan, magenta, yellow, and black) and combining the process inks with inks that are frequently used, spot colors or inks are adjusted to represent the color as it is originally viewed.

The Examiner cites column 7, lines 49-57 and column 8, lines 22-29 of Dewitte as allegedly disclosing “a proof image reproducing a printed image in which a process color print image constituting of process colors and a spot color print image are superposed upon each other”. However, these cited portions of Dewitte merely disclose that the proofing method operates on an input image 103 that includes components that are color separations which may be in the form of the actual values of inks used for printing or in the form of spot colors. Further, this cited portion of Dewitte discloses that the input image may include one or more multi-

component images such as images which have cyan, magenta, yellow and black (CMYK) components, or may include spot colors.

Nowhere do these cited portions (or any other portion) of Dewitte disclose that a process color print image and a spot color print image are superposed upon each other as required by the claims.

Second, Applicant respectfully submits that there is no teaching or suggestion in Patton of the feature “an additional image data creating section that creates additional image data for the output device, which is representative of an additional image describing a reproduction property of a spot color in the reproduction system presupposed when the image data conversion section processes printing image data”, as recited in independent claim 1 and analogously recited in independent claims 5, 9, and 10.

The Examiner apparently reads the claimed “additional image data” on the informational data 14 of Patton. However, the informational data 14 of Patton merely contains information that designates that the print can be used for reprinting or displaying the image in its form as originally printed or captured, and information specifying the color and density for regions of the image, which enables a copy algorithm to reproduce the image as originally captured or printed. Nowhere does Patton teach or suggest that the informational data describes a reproduction property of a spot color in the reproduction system, as required by the claims.

Further, Patton appears to have little or no relevance to the claimed invention, since Patton pertains to the production of a copy of a current print which matches the appearance of the original print by reading information related to the original print which is encoded on a hardcopy of the original print. This clearly differs from the claimed invention, which pertains to

obtaining a color proof prior to printing, and which obtains the reproduction property of a spot color and the reproduction system for the spot color and creates additional image data representative of the reproduction system for the spot color, and then superimposes this additional data onto the proof image.

Third, Applicant respectfully submits that there is no teaching or suggestion in Patton of “an image data output section that outputs to the output device the proof image data converted in the image data conversion section and the additional image data created in the additional image data creating section, so that the output device outputs the proof image and the additional image”, as claimed. The Examiner cites column 4, lines 40-55 of Patton as allegedly disclosing this feature of the claims, and asserts that “[t]he image 12 can serve as proof.”² However, digital image 12 appears to be a final image or print (column 3, lines 21-25), and not a proof image as required by the claimed invention.

Applicant notes that the Examiner has not provided a basis or motivation for combining the cited references, or provided any supportable objective reasoning why one of ordinary skill in the art would be motivated to combine the references (if indeed the references could be combined).

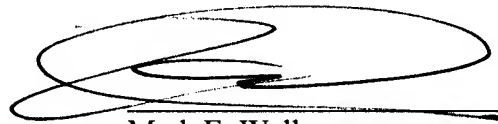
For at least these reasons, Applicant respectfully submits that the Examiner’s § 103 rejection of claims 1, 5, 9, and 10 is improper. Claims 2-4 and 6-7 should also be allowable at least by virtue of their dependency on independent claims 1 and 5.

² Page 8 of the Office Action dated June 15, 2007.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark E. Wallerson', is written over a horizontal line.

Mark E. Wallerson
Registration No. 59,043

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: September 17, 2007